

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD LELAND NEAL

Plaintiff,

v.

THE BANK OF NEW YORK MELLON
TRUST COMPANY,

Defendant.

2:12-cv-1352-LRH-VCF

ORDER

Before the court is non-related defendant Silver Liege Development LLC's ("SLD") motion to remand. Doc. #23.

Plaintiff Neal filed a complaint against defendant the Bank of New York Mellon Trust Company ("Mellon") for quiet title. Doc. #1. While this action was pending, non-related defendant SLD filed a separate unlawful detainer action in Clark County Justice Court against non-party Teresa Lopez. *See* Doc. #23. In response, Neal filed a notice of removal and removed that separate justice court action to this court. Doc. #21. Thereafter, SLD filed the present motion to remand. Doc. #23.

The court has reviewed the documents and pleadings on file in this matter and finds that Neal's notice of removal is without merit. Neal is not a party to the unlawful detainer action, nor does he live at the property that is the subject of the unlawful detainer action. Thus, he has no right to remove that action to federal court. *See* 28 U.S.C. § 1146(a). Accordingly, the court shall grant

1 SLD's motion to remand and remand the justice court action that was improperly removed back to
2 the Clark County Justice Court.

3
4 IT IS THEREFORE ORDERED that non-related defendant's motion to remand (Doc. #23)
5 is GRANTED. Non-related defendant Silver Liege Development, LLC's unlawful detainer action is
6 REMANDED back to the Clark County Justice Court.

7 IT IS FURTHER ORDERED that non-related defendant Silver Liege Development, LLC is
8 DISMISSED from this action.

9 IT IS FURTHER ORDERED that the clerk of court shall STRIKE plaintiff's notice of
10 removal (Doc. #21).

11 IT IS SO ORDERED.

12 DATED this 6th day of January, 2013.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE